

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARTHUR USHERSON,

Plaintiff,

- against -

BANDSHELL ARTIST MANAGEMENT

Defendant.

Docket No. 1:19-cv-06368-JMF

DECLARATION OF RICHARD LIEBOWITZ

I, RICHARD LIEBOWITZ, declare that the following is true and correct to the best of my personal knowledge.

1. I am the managing partner of the Liebowitz Law Firm, PLLC (the “LLF”) and admitted to practice law in this District.

2. On June 26, 2020, the Court ordered me to file a copy of the Court’s 6/26/20 Opinion and Order on the docket of “any currently pending case that was brought by Mr. Liebowitz or his firm” no later than July 27, 2020. *Usherson v. Bandshell Artist Mgmt.*, No. 19-CV-6368 (JMF), 2020 WL 3483661, at *22 (S.D.N.Y. June 26, 2020) (the “Order”).

3. On September 21, 2020, it came to my attention that I neglected to file the Order in the case of *Smith v. MCR Publishing, Inc.*, 2:20-cv-271-WKW, which was pending in the Middle District of Alabama, Northern Division, as of June 26, 2020. This case was transferred

from the Southern District of Alabama on April 28, 2020 and, regretfully, overlooked filing the Order in this case.

4. I do not currently have an ECF username and password for the Middle District of Alabama, thus on September 21, 2020, I emailed the Courtroom Deputy a copy of the Order so the clerk can file it on the docket.

5. On September 11, 2020, Judge Keith Watkins ordered me to notify the Court by September 18, 2020 that I had neglected to file the Order in *Smith v. MCR Publishing*. However, I did not learn of Judge Watkins' order until today, because my e-mail address was not registered with the Middle of District of Alabama and I was not receiving ECF bounces of that particular case.

Respectfully Submitted:

Dated: September 21, 2020
Valley Stream, NY

s/richardliebowitz/
Richard Liebowitz